

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JUDITH GODINEZ, Individually and on
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

ALERE INC., *et. al.*,

Defendants.

Civil Action No. 1:16-cv-10766 (PBS)

**LEAD PLAINTIFFS' UNOPPOSED MOTION FOR
(I) PRELIMINARY APPROVAL OF SETTLEMENT; (II) CERTIFICATION OF
SETTLEMENT CLASS FOR SETTLEMENT PURPOSES ONLY; AND
(III) APPROVAL OF NOTICE TO SETTLEMENT CLASS**

Lead Plaintiffs Glazer Funds ("Glazer") and OFI Asset Management ("OFI")

(collectively, "Lead Plaintiffs"), hereby move this Court, pursuant to Federal Rule of Civil Procedure 23, for entry of an order:

- (i) preliminarily approving the proposed Settlement;
- (ii) certifying the proposed Settlement Class for settlement purposes only;¹
- (iii) approving the form, content and manner of giving notice of the proposed Settlement to Settlement Class Members; and
- (iv) scheduling a hearing to consider final approval of the Settlement, approval of the Plan of Allocation, and the motion by Lead Counsel for an award of attorneys' fees and reimbursement of Litigation Expenses.

¹ The Settlement Class consists of "all persons and entities who purchased or otherwise acquired the publicly-traded common stock of Alere Inc. during the period from May 9, 2013 through October 3, 2017, inclusive (the "Class Period"). Excluded from the Settlement Class are Defendants, the Officers and directors of Alere at all relevant times, their Immediate Family Members and their legal representatives, heirs, successors or assigns, corporate parents and/or affiliates and any entity in which any of the above have or had a controlling interest, and any person or entity who or which submits a request for exclusion to the Claims Administrator by the opt-out deadline that satisfies the requirements set forth in the Notice and that is accepted by the Court." Stipulation ¶ 1(pp).

This Motion is based upon the Stipulation and Agreement of Settlement dated January 31, 2019, filed this day (ECF No. 256); the accompanying Memorandum of Law; and all other papers and proceedings herein. The Parties' agreed-upon form of proposed Preliminary Approval Order, with exhibits thereto, is attached as Exhibit A to this Motion. This Motion is unopposed by Defendants.

Dated: February 1, 2019

Respectfully submitted,

/s/ Adam M. Stewart

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Plaintiffs' Co-Lead Counsel

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

I, Brendan J. Brodeur, hereby certify pursuant to Local Rule 7.1(a)(2) that Plaintiffs' counsel have met and conferred with counsel for Defendants, by email and in a telephonic conference on January 31, 2019, and that counsel for Defendants do not oppose the relief sought herein.

Dated: February 1, 2019
New York, New York

/s/ Brendan J. Brodeur

Brendan J. Brodeur

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing ("NEF") on this February 1, 2019.

/s/ Adam M. Stewart

Adam M. Stewart